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10 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
11 **OAKLAND DIVISION**

12 C. JAY SMITH (a/k/a CARY KEETON SMITH),  
13

14 **Plaintiff,**

15 v.

16 RALPH DIAZ; RON DAVIS; T. DUKE; R.  
17 FESTON; B. HAUB; M. BLOISE; Y. FRANCO; and  
M. TAYLOR,

18 **Defendants.**  
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Case No. 4:20-cv-04335-HSG

**JOINT STIPULATION AND  
ORDER TO RESCHEDULE HEARING  
DATE ON MOTION TO DISMISS**

Judge: Hon. Haywood S. Gilliam, Jr. Trial  
Date: Not Set

Action Filed: June 29, 2020

Hearing Date on MTD: September 30, 2021

2:00 pm

21 Under Local Rule 6-2, Plaintiff C. Jay Smith ("Plaintiff") and Defendants Diaz, Davis, Duke,  
22 Feston, Haub, Bloise, Franco, and Taylor (collectively "Defendants"), by and through their respective  
23 counsel of record, hereby stipulate and jointly request as follows:

24 WHEREAS, on March 17, 2021, Defendants requested, through a joint stipulation, a first  
25 extension of time of sixty (60) days to respond to Plaintiff's complaint (ECF No. 15);

26 WHEREAS, on May 21, 2021, the Court ordered Defendants to file a response within twenty-one  
27 (21) days (ECF No. 19);

28 WHEREAS, on June 11, 2021, after meeting and conferring with Plaintiff, Defendants requested,

1 through a joint stipulation, a second extension of time of twenty-one (21) days for Defendants to respond  
2 to Plaintiff's complaint and a reciprocal extension for Plaintiff to oppose Defendants' motion to dismiss,  
3 in the event that Defendants file a motion to dismiss (ECF No. 23);

4 WHEREAS, on June 14, 2021, the Court granted Defendants' second extension of time of twenty-  
5 one (21) days to respond to Plaintiff's Complaint (ECF No. 24);

6 WHEREAS, on July 2, 2021, Defendants filed a Motion to Dismiss Certain Defendants and Claims  
7 in Plaintiff's Complaint (Defendants' "Motion") (ECF No. 25);

8 WHEREAS, on July 12, 2021, after meeting and conferring with Defendants, Plaintiff requested,  
9 through a joint stipulation, a first extension of time of twenty-one (21) days for Plaintiff to oppose  
10 Defendants' Motion (ECF No. 27);

11 WHEREAS, on July 19, 2021, the Court granted Plaintiffs' first extension of time of twenty-one  
12 (21) days to respond to Defendants' Motion (ECF No. 29);

13 WHEREAS, on August 4, 2021, Plaintiff informed Defendants that she may need to request leave  
14 to exceed the page limit for her opposition to Defendants' Motion;

15 WHEREAS, on August 5, 6, and 9, 2021, the Parties met and conferred over email and  
16 telephonically about Plaintiff's intent to request leave to exceed the page limit. As a result of the meet  
17 and confer process, the Parties stipulated to a reciprocal seven (7) day extension for Plaintiff's deadline to  
18 file her opposition brief and for Defendants' deadline to file their reply brief;

19 WHEREAS, on August 10, 2021, Plaintiff requested through a joint stipulation, a second extension  
20 of time of seven (7) days for Plaintiff to oppose Defendants' Motion (ECF No. 30);

21 WHEREAS, on August 11, 2021, the Court granted Plaintiff's second extension of time of seven  
22 (7) days to respond to Defendant's Motion (ECF No.31); and

23 WHEREAS, on September 27, 2021, Lead Attorney Felicia Medina informed Defendants that she  
24 has unexpectedly have to be on a leave of absence the week of September, 27, 2021, including during the  
25 September 30, 2021 hearing on Defendants' Motion to Dismiss.

26 THEREFORE, IT IS HEREBY STIPULATED, by and between the Parties, through their  
27 respective counsel of record, and subject to Court approval, that if the Court was not going to rule on the  
28 papers prior to the hearing, that the September 30, 2021 hearing date be rescheduled to a date most

1 convenient for the Court.

2 **IT IS SO STIPULATED.**

3 Dated: September 27, 2021

/s/ Janet Chen

4 Janet N. Chen, Deputy Attorney General  
5 Attorney for Defendants

6 Dated: September 27, 2021

/s/ Felicia Medina

7 Felicia Medina, Medina Orthwein LLP  
8 Attorney for Plaintiff

9 **PURSUANT TO STIPULATION, IT IS SO ORDERED. The hearing on the motion will be**  
10 **held on October 14, 2021, at 2:00 p.m.**

11 Dated: September 28, 2021



12 Hon. Haywood S. Gilliam, Jr.  
13 U.S. District Court Judge  
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